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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/796,080 | 03/10/2004 | Mark F. Gabriel | 05165.1580 | 2650 |

7590 12/29/2004

BAKER & HOSTETLER LLP
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| EXAMINER |
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GRANT, ALVIN J

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| ART UNIT | PAPER NUMBER |
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3723

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,080

Applicant(s)

GABRIEL ET AL.

Examiner

Alvin J Grant

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 12-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/10/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I – Claims 1-11 in the reply filed on 11/01/2004 is acknowledged. Applicant did not provide grounds for traversal.

The requirement is still deemed proper and is therefore made FINAL.

Claim Objections

2. Claim 3 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 1 does not recite a chambered block or a plenum cap.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

- A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. **Claims 1, 4-6, 10 and 11** are rejected under 35 U.S.C. 102(b) as being anticipated by Montgomery 5,031,373.

Montgomery discloses an apparatus comprising: a manifold (column 4, lines 11 and 12) assembly, an air supply line (34) connected to the manifold assembly, and a plurality of

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material supply hoses connected to the manifold assembly, and a plurality of material supply hoses (62) connected to the manifold assembly; an air inlet port (32) that receives the air supply line, a plurality of cross chambers intersecting the air inlet port wherein each respective cross chamber comprises a material outlet attachment port at one end and is crossed off at another end, and a plurality of material inlet attachment ports each angularly intersecting a cross chamber; chamber the cross chambers intersect the air inlet port at 90°; each of the cross chambers intersects the air inlet port at an angle other than 90°; the air supply line is rigidly connected to the manifold assembly; and the plurality of abrasive supply hoses are connected to a respective one of the material inlet attachment ports.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 2, 3 and 7-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Montgomery in view of Sheppard, Jr. 5,681,132.

Montgomery is described above.

Referring to claims 2, 3 and 7, Montgomery does not specifically disclose a chambered block with a plenum having a cap. Sheppard, Jr. discloses a chambered block so as to provide the capability of compartmentalizing the components; and a

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plenum having a cap so as to manipulate the pressure in the plenum. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the apparatus of Montgomery to have a chambered block as taught by Sheppard, Jr. so as to provide the capability of compartmentalizing the components; and a plenum having a cap so as to manipulate the pressure in the plenum.

Referring to claims 8 and 9, Shepherd, Jr. discloses the use of screws to secure the chambered blocks together so that they can be readily dismantled. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the chambered blocks of Montgomery, as modified, be secured with screws as taught by Sheppard Jr. so that they can be readily dismantled.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. U S Patent No. 2,195,810.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J Grant whose telephone number is (703) 305-3315. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on (703) 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ajg

A handwritten signature in black ink, appearing to read "Joseph J. Hail, III".

Joseph J. Hail, III
Supervisory Patent Examiner
Technology Center 3700